

## TRADEMARKS

*Convention signed at Washington April 16, 1869*

*Senate advice and consent to ratification April 19, 1869*

*Ratified by the President of the United States April 30, 1869*

*Ratified by France May 26, 1869*

*Ratifications exchanged at Washington July 3, 1869*

*Proclaimed by the President of the United States July 6, 1869*

*Entered into force October 1, 1869*

*Terminated December 21, 1960, by convention of November 25, 1959*<sup>1</sup>

16 Stat. 771; Treaty Series 94

The United States of America and His Majesty the Emperor of the French, desiring to secure in their respective territories a guarantee of property in trade marks, have resolved to conclude a special Convention for this purpose, and have named as their Plenipotentiaries, the President of the United States, Hamilton Fish, Secretary of State, and His Majesty the Emperor of the French, J. Berthemy, Commander of the Imperial Order of the Legion of Honor, &c. &c. &c., accredited as his Envoy Extraordinary and Minister Plenipotentiary to the United States; and the said Plenipotentiaries, after an examination of their respective full powers, which were found to be in good and due form, have agreed to and signed the following articles:

### ARTICLE I

Every reproduction in one of the two countries of trade marks affixed in the other to certain merchandise, to prove its origin, and quality, is forbidden, and shall give ground for an action for damages in favor of the injured party, to be prosecuted in the courts of the country in which the counterfeit shall be proven, just as if the plaintiff were a subject or citizen of that country.

The exclusive right to use a trade mark for the benefit of citizens of the United States in France, or of French subjects in the territory of the United States, cannot exist for a longer period than that fixed by the law of the country for its own citizens.

If the trade mark has become public property in the country of its origin, it shall be equally free to all in the other country.

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<sup>1</sup> 11 UST 2398; TIAS 4625.

## ARTICLE II

If owners of trade marks residing in either of the two countries, wish to secure their rights in the other country, they must deposit duplicate copies of those marks in the Patent Office at Washington, and in the Clerk's Office of the Tribunal of Commerce of the Seine, at Paris.

## ARTICLE III

The present arrangement shall take effect ninety days after the exchange of ratifications by the two Governments, and shall continue in force for ten years from this date.

In case neither of the two High Contracting Parties gives notice of its intention to discontinue this Convention, twelve months before its expiration, it shall remain in force one year from the time that either of the High Contracting Parties announces its discontinuance.

## ARTICLE IV

The ratifications of this present arrangement shall be exchanged at Washington, within ten months, or sooner, if possible.

In faith whereof the respective Plenipotentiaries have signed the present Convention in duplicate, and affixed thereto the seal of their arms.

Done at Washington, the sixteenth day of April, in the year of Our Lord one thousand eight hundred and sixty-nine.

HAMILTON FISH	[SEAL]
BERTHEMY	[SEAL]